

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK (SDNY)

PETITIONERS:

Joseph Brodie
#71142-050
FCI Otisville
PO BOX 1000, Otisville NY 10963-1000

&

Dana Mednick
5 Waterville Road
Manalapan NJ 07726
Phone: (732) 742-4791 Email: pug33@live.com

vs

DOCKET: TO BE ASSIGNED

Respondent:
Warden William S. Pliler
FCI Otisville
PO BOX 600, Otisville NY 10963-0600

PETITION FOR A WRIT OF HABEUS CORPUS UNDER 28 U.S.C. SECTION 2241 BY A
FEDERAL PRISONER HELD IN THIS DISTRICT

JURISDICTION:

Mr.Brodie is in a Federal Prison in Otisville New York which is in Orange County, NY in the area covered by the White Plains Division of this Court. He is complaining about the manner in which the Federal Bureau of Prisons is improperly administering his sentence.

EXHAUSTION:

Mr.Brodie has fulfilled his Exhaustive Requirements. Ms.Mednick is not required to Exhaust.

PETITION SUMMARY:

This case is about the extra twenty (20) days that the BOP is forcing Mr.Brodie to serve before they release him to Supervised Release. Since even with the extra days he will be released on 9 January 2023, he will be irreparably harmed if this case is not expedited.

CLAIMS:

Claim One:

The BOP has miscalculated Mr.Brodie's FTC credits under the First Step Act. He has completed sufficient programming to qualify for the maximum 365 days sentence reduction, yet they are presently only awarding him 345 days -a reduction of 20 days, which improperly lengthens his time in custody.

Claim Two:

The BOP refuses to award the FTC credits that Mr.Brodie is continuing to earn. Since their last award, Mr.Brodie has continued to take qualifying programming, but he is not receiving those credit rewards which means he will serve too much time in custody. If the BOP is allowed to delay the award, he will have no remaining sentence to apply them too and will be irreparably harmed.

Claim Three:

The BOP is refusing to award Mr.Brodie First Step Act (FSA) credits under their special COVID/Lockdown/Wait List provisions, despite him being involuntarily subject to all of those circumstances. With that provision properly applied, he would qualify for the full (365) days of early release to Supervised Release. Presently, he will have to serve those extra (20) days in custody and this will irreparably harm him since even with the extra days, his sentence is quickly expiring.

Claim Four:

The BOP will not actively monitor Mr.Brodie's sentence of award FTC credits while he is on Home Confinement. This will result in him overserving his sentence by (20) days -for the unawarded credits- and since his release date is rapidly approaching, his harm is irreparable.

Claim Five:

Since Mr.Brodie will spend the extra (20) days under home confinement with Ms.Mednick she can be considered wrongfully imprisoned too and is entitled to request that his sentence be reduced by the (20) days of FTC.

RELIEF REQUESTED:

Whether by rectifying the issues raised in the above claims, or by other means, please have the extra (20) days of FTC awarded and applied to Mr.Brodie's sentence. Alternatively, simply order the BOP to immediately release him. Please provide all other possible/applicable relief not expressly sought herein.

FEE PAYMENT:

As soon as a case number is assigned, a check for the \$5 filing fee will be sent to the Clerk of Court.

AFFIRMATION:

Pursuant to 28 U.S.C. Section 1746, We affirm that everything herein is true and correct.

Emailed to the court on 9 May 2022.

/s/ Joseph Brodie
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PO BOX 1000
Otisville, NY 10963-1000

/s/ Dana Mednick
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Manalapan, NJ 07726
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